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January 27, 2011

Mr. James Song, Director  
Department of Facilities Management  
Montgomery County Public Schools  
2096 Gaither Road, Suite 200  
Rockville, MD. 20850

Dear Mr. Song:

Thank you for your correspondence dated January 6, 2011 regarding the City's review process for portable classrooms. We appreciate your taking the time to draft the proposal for our review and comment. In response the City is agreeable to making modifications to our administrative procedures to the extent allowed. The Mayor and Council can accommodate additional modifications to the process through legislative action. A discussion of possible legislative remedies is included in this letter.

The City is in complete agreement with the intent and approach of your proposed process. The installation of portable classrooms on MCPS campuses does not pose any significant issues, and we look forward to continue working with MCPS to improve the process. The purpose of this letter is to provide you with the City's response to the specific points raised in your January 6<sup>th</sup> correspondence. Additionally we have attached a proposed review process for portable classrooms that we hope will satisfy the needs of the City and MCPS.

In your correspondence the use of site plan and construction plans appears to be interchangeable. It is important to note that these are two separate processes. The City has codes and a review process for addressing site related issues, which in the case of portable classrooms, is accomplished through the minor site plan amendment process. The City also has building and fire codes, which address the structure(s). The City commits to making every effort to streamlining these processes, including the concurrent review of site and building plans.

Below are each of the points raised in your letter, and the City's response.

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- *As a part of a community outreach effort, Montgomery County Public Schools (MCPS) will notify community residences, including homeowner associations and civic association, within 750 feet of the proposed location of the relocatable classroom(s) to inform and gather community input related to the installation of relocatable classrooms. The meeting invitation will be extended to City staff to participate.*

As a minor site plan amendment the installation of portable classrooms does not require any public notification or area / neighborhood meetings. The City agrees with MCPS that public notification of these facilities is important.

- *Given that the relocatable classrooms have no significant impact on the existing traffic conditions, existing trees, amount of land disturbances, and the stormwater management systems, it is understood that traffic studies, Forest Conservation Plans, Sediment Erosion Control Plans, and Storm Water Management Plans will NOT be required and omitted for permit reviews. MCPS agrees to pay a contribution fee for the stormwater management.*

The City agrees that these portable classrooms are typically of such a scale and location that they don't pose any significant impacts. However there is no authority for administrative waivers of certain reviews. In many cases there are State regulations that govern the City's responsibility to review for compliance such as stormwater management, sediment control, and forest conservation. The City recognizes the limited scope of the portable classrooms, and continues to try and limit the impact upon MCPS in the review of these items.

The City's Comprehensive Transportation Review Methodology (CTR) requires a Transportation Report for any new development, including portable classrooms. The trip generation for portable classrooms is based on the proposed square footage and the latest Institute of Transportation Engineering Trip Generation (ITE) manual. A full Transportation Report is only required when 30 or more AM or PM peak hour trips are generated by the proposed development. The typical elementary school portable classroom size in 2010 was 800 square feet. Based on this square footage and the ITE Manual, up to 6 portable classrooms may be installed on an elementary school site without requiring the submission of a full Transportation Report. Until the total number of portable classrooms exceeds this threshold, MCPS may submit a brief Transportation Report, which is consistent with the City's review of past portable classroom installations. Alternatively MCPS may provide the information on the site plan outlining how

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any changes in vehicular and pedestrian access and circulation are being addressed. Information on trip generation rates for middle schools and high schools can be found in the ITE manual.

MCPS can provide a monetary contribution for most stormwater management requirements. However, in certain circumstances the monetary contribution may be reduced by incorporating on-site low-tech stormwater management techniques, which are outlined in the proposed "Review and Permitting Process for the Installation of Portable Classrooms at Montgomery County Public Schools (MCPS)" document.

- *MCPS will submit a conceptual site plan, indicating the proposed locations of relocatable classrooms, for the City's review which will be limited to National Fire Protections Association (NFPA) code compliance by the end of February.*

There are limitations to those areas of review that the City can administratively waive. Again, while we recognize the limited scope of these projects we are still obligated by State and Municipal regulations to review for compliance in areas beyond fire protection. There are regulations in effect that require our review in the areas of stormwater management, sediment control, forest conservation, transportation and zoning.

With regards to fire protection State law requires that the City administer the State of Maryland Fire Prevention Code (SMFPC) and the Maryland Building Performance Standards (MBPS). Compliance with these regulations are required as part of this review process.

- *After incorporating code comments from the conceptual site plan review, MCPS will submit final construction documents for the City's review, which will be limited to NFPA code compliance, by the end of May.*

We concur with the intent of this proposal, however, as mentioned previously there is a distinction between the site plan approval, and the building permit construction documents. Typically the minor site plan amendment process requires that the site plan be approved before the building permits can be issued. In our efforts to help streamline the process, the City will allow for and make every effort to review these submittals concurrently. The Inspection Services Division, which is responsible for the building and fire reviews, participates in the site plan process as part of the Development Review Committee. Their early

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participation in the process should help expedite the review of construction documents and issuance of permits.

- *Upon completing the review, the City is to issue a building permit by mid-June.*

The City agrees to issue all permits by mid-June provided all plan submittals are complete, correct and approvable within the schedule proposed.

- *Upon completion of the installation, MCPS will request for City inspections.*

We concur.

- *The City will issue a Use & Occupancy permit after inspections are complete and find that the installations are in compliance with the NFPA code per permit documents.*

All permits will be issued provided that plan submittals are complete and correct, and the successful completion of all required inspections.

Attached is a draft document consistent with the comments above outlining our proposed review and permitting process for portable classrooms. In light of the discussion provided in this letter, we have modified some of the steps accordingly. Please understand that this process is predicated on existing limits of administrative discretion. Further streamlining of this process is achievable though changes in the law.

As mentioned there are several legislative remedies that can help standardize an expedited review and permit process for portable classrooms. The City's Adequate Public Facilities Ordinance (APFO) can be amended to exempt portable classroom facilities from specific levels of service compliance, such as Transportation and Fire and Emergency Service Protection.

Other possible legislative actions could include amendments to the Zoning Ordinance specifically addressing portable classrooms, and providing for exemptions from compliance with certain zoning provisions. Additionally zoning ordinance amendments can be crafted to deal directly with process issues. We will share this information with the Mayor and Council, and I'm confident that this item will be discussed at their February 7, 2011 meeting when

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this matter appears on their agenda. We invite you to please review our response and provide us with your written comments by Friday, February 4, which will enable us to share them with the Mayor and Council.

Again, we thank you for drafting the proposed process. This provides an excellent opportunity to address our mutual interests and fulfill our shared responsibilities for the successful operation of our public schools.

Sincerely,

Scott Ullery  
City Manager

C: Susan Swift, Director of Community Planning and Development  
Services  
Craig Simoneau, Director of Public Works  
Linda Moran, Assistant to the City Manager  
Susan Straus, Chief Engineer - Environment  
Mark Wessel, Engineering Supervisor  
Christine Henry, Recreation and Parks Administration Manager  
Wayne Noll, City Forester  
Elise Cary, Assistant City Forester  
Matt Shanks, Fire Marshall